

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT WRIGHT,

Plaintiff,

Case No. 08-10996

v.

UNITED STATES POSTAL SERVICE,

Hon. John Corbett O'Meara

Defendant.

**ORDER DENYING PLAINTIFF'S SECOND
APPLICATION FOR APPOINTMENT OF COUNSEL**

Before the court is Plaintiff's second application for appointment of counsel. In his second application, Plaintiff has provided some additional information to supplement his first application, although he has not described whether he has made any effort to obtain counsel on his own.

Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances. In determining whether "exceptional circumstances" exist, courts have examined "the type of case and the abilities of the plaintiff to represent himself." This generally involves a determination of the "complexity of the factual and legal issues involved." Appointment of counsel . . . is not appropriate when a *pro se* litigant's claims are frivolous, or when the chances of success are extremely slim.

Lavado v. Keohene, 992 F.2d 601, 605 (6th Cir. 1993) (citations omitted).

Upon review of Plaintiff's complaint and Defendant's motion to dismiss, the court concludes that this case does not present the "exceptional circumstances" necessary to justify the appointment of counsel at this stage of the proceeding. In the event Plaintiff's complaint is able

to withstand Defendant's motion to dismiss, the court will revisit the issue.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's second application for the appointment of counsel is DENIED.

Plaintiff shall submit a written response to Defendant's motion to dismiss by **January 5, 2009**.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: December 4, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 4, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager